

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

K.F.C., a minor, by and through her guardian,  
ERIN CLARK, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

SNAP INC.,

Defendant.

Case No. 3:21-cv-00009-DWD

Hon. David W. Dugan

**DEFENDANT SNAP INC.'S MOTION TO DISMISS PURSUANT TO RULE 12(B)(6)**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Snap Inc. (“Snap”) respectfully moves this Court for an Order dismissing Plaintiff’s Class Action Complaint (ECF No. 1-1) because Plaintiff fails to state a claim under any section of Illinois’ Biometric Information Privacy Act, 740 ILCS 14/1 *et seq.* (“BIPA”).

In further support of its motion, Snap incorporates its Memorandum of Law filed contemporaneously herewith.

**WHEREFORE**, Snap respectfully requests that the Court grant its motion and enter an Order dismissing Plaintiff’s Class Action Complaint with prejudice and granting such other relief as the Court deems appropriate.

Dated: February 12, 2021

Respectfully submitted,

**SNAP INC.**

By: /s/ Elizabeth B. Herrington

By Its Attorney

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*Counsel for Defendant Snap Inc.*

**CERTIFICATE OF SERVICE**

I, Elizabeth B. Herrington, hereby certify that on this 12th day of February, 2021, I caused a copy of the foregoing document to be served upon all counsel of record via the Court's CM/ECF system.

/s/ Elizabeth B. Herrington  
Elizabeth B. Herrington